

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ETHEL KELLOGG,)	
)	
Plaintiff)	Honorable William K. Sessions, III
)	
v.)	Docket No. 2:07-cv-00082
)	
WYETH, Individually and as)	
Successor-In-Interest to A.H. ROBINS)	
COMPANY, INC. and AMERICAN HOME)	
PRODUCTS CORPORATION; SCHWARZ)	
PHARMA, INC.; ACTAVIS, INC.;)	
ACTAVIS-ELIZABETH, L.L.C.;)	
ALPHARMA, INC.; PUREPAC)	
PHARMACEUTICAL COMPANY, INC.;)	
TEVA PHARMACEUTICALS, USA, INC.;)	
BARR PHARMACEUTICALS, INC.;)	
PLIVA, INC.; and DRUG COMPANY)	
DOES 1 THROUGH 10, inclusive,)	
)	
Defendants)	

JOINT MOTION TO AMEND DISCOVERY SCHEDULE/ORDER

The undersigned parties, by and through their respective counsel, and pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and Local Rule 26(a)(6), hereby jointly move to amend the Discovery Schedule/Order deadlines as set forth in the following Motion. In support, the parties state the following:

1. In the Court's Minute Entry dated May 11, 2010, the Court granted in part Plaintiff's Motion to Amend the Discovery Schedule/Order, extending the discovery schedule by 60 days and ordering the parties to submit a revised discovery schedule accordingly.

2. The parties have discussed the time necessary to complete the remaining expert discovery, and an extension of more than 60 days is needed, particularly in light of the number of parties involved, the locations of the various experts who need to be deposed and the likely difficulties in scheduling depositions necessary throughout the summer.

3. Accordingly, the parties respectfully request an extension of more than 60 days in the discovery schedule.

4. The parties do not seek these extensions for purposes of delay or for any other improper purpose.

5. Pursuant to Local Rule 7.1(b), the parties have conferred and have come to agreement on the requested extensions.

WHEREFORE, the parties respectfully request that the Court grant this Motion and amend the Discovery Schedule/Order deadlines as follows:

1. Depositions of Plaintiff's expert witnesses shall be completed by ~~April 30, 2010~~ August 13, 2010.

2. Defendants shall submit expert reports by ~~May 14, 2010~~ August 30, 2010.

Depositions of Defendants' expert witnesses shall be completed by ~~June 29, 2010~~ October 11, 2010.

3. Motions, including summary judgment motions but excluding motions relating to the conduct of the trial, shall be filed on or before ~~June 29, 2010~~ October 11, 2010.

4. Trial ready date ~~August 2, 2010~~ December 15, 2010.

[SIGNATURES ON FOLLOWING PAGE.]

Dated: Burlington, Vermont
May 28, 2010

Dated: Bellevue, Washington
May 28, 2010

/s/ Jerome F. O'Neill

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Counsel for Plaintiff Ethel Kellogg

Dated: Washington, D.C.
May 28, 2010

/s/ Ralph D. Pittle

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Counsel for Plaintiff Ethel Kellogg

Dated: Washington, D.C.
May 28, 2010

/s/ Leslie A. Brueckner

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Dated: Burlington, Vermont
May 28, 2010

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Counsel for Defendant Wyeth

Dated: Burlington, Vermont
May 28, 2010

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Counsel for Defendants Actavis, Inc.; Actavis-Elizabeth, LLC; Alpharma, Inc.; and Purpac Pharmaceutical Company, Inc.

Dated: Denver, Colorado
May 28, 2010

/s/ Jeff Pilkington

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Counsel for Defendant Wyeth

Dated: Cleveland, Ohio
May 28, 2010

/s/ Richard A. Dean

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Counsel for Defendants Actavis, Inc.; Actavis-Elizabeth, LLC; Alpharma, Inc.; and Purpac Pharmaceutical Company, Inc.

Dated: Burlington, Vermont
May 28, 2010

Dated: Cincinnati, Ohio
May 28, 2010

/s/ John D. Monahan

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/s/ Thomas G. McIntosh

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Counsel for Defendants Barr Pharmaceuticals,
Inc. and Pliva, Inc.

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DOES 1 THROUGH 10, inclusive,)	
)	
Defendants)	

CERTIFICATE OF SERVICE

I, Ross A. Feldmann, Esq., hereby certify that a true and correct copy of the parties' Joint Motion to Amend the Discovery Schedule/Order was served on the following individuals through the CM/ECF system on May 28, 2010:

For Plaintiff Ethel Kellogg
Ralph Pittle, Jerome F. O'Neill, and Louis Bograd

For Defendant Wyeth
Jeffrey R. Pilkington

For Defendant Schwarz Pharma, Inc.
Henninger S. Bullock and Andrew J. Calica

For Defendants Actavis, Inc.; Actavis-Elizabeth, LLC; Alpharma, Inc.; and Purpac Pharmaceutical Company, Inc.

Stephen J. Soule

For Defendant Teva Pharmaceuticals, USA, Inc.

Matthew S. Borick, Richard A. Oetheimer and U. Gwyn Williams

For Defendants Barr Pharmaceuticals, Inc. and Pliva, Inc.

John D. Monahan, Matthew V. Brammer and Thomas G. McIntosh

Additionally, this Motion has been served on May 28, 2010, by first-class mail, postage prepaid, on the following individuals:

Leslie A. Brueckner
Trial Lawyers for Public Justice, P.C.
1825 K Street, N.W., Suite 200
Washington, DC 20006

Dated: Burlington, Vermont
 May 28, 2010

/s/ Ross A. Feldmann
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For Defendant Wyeth